

CENTRAL ADMINISTRATIVE TRIBUNAL.
JABALPUR BENCH.
JABALPUR

Contempt Petition No. 83 of 2006
in Original Application No. 248 of 2004

Jabalpur, this the 8th day of January, 2007

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Mr. A.K. Gaur, Judicial Member

Abhishek Kumar Tiwari,
S/o. Late Shri N.K. Tiwari,
Aged about 23 years, R/o. 58,
Mahakoshal Nagar, Adhartal,
Jabalpur (MP).

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Petitioner

(By Advocate – None)

V e r s u s

1. M.D. Jamba,
Union of India through its
Secretary, Ministry of Defence
(Production), New Delhi.

2. S.K. Biswas,
Chairman/Director General,
Ordinance Factories Board,
10-A, S.K. Bose Road, Kolkata.

3. Sandeep Jain, General
Manager, Vehicle Factory,
Jabalpur (MP).

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Respondents

O R D E R (Oral)

By Dr. G.C. Srivastava, Vice Chairman –

None for the petitioner even on the revised call. This contempt petition has been filed alleging that the order passed by this Tribunal in Original Application No. 248 of 2004 on 27th

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September, 2004 has not yet been complied with. The operative part of the said order is reproduced below:

“5. After hearing the learned counsel for the parties, I am of the opinion that the case of the applicant has not been considered for three times as per the policy of the Government of India, Ministry of Defence. The respondents are directed to consider the case of the applicant for compassionate appointment for a third time also in accordance with the policy of the Govt. of India, Ministry of Defence, for which the applicant shall submit a fresh representation within one month from today giving full details along with relevant documents relating to educational qualification and experience etc and if he complies with this, the respondents shall consider his case within 3 months from the date of receipt of such representation, in accordance with with the aforesaid policy.”

2. In compliance with this order the respondents have passed the speaking order dated 1.4.2005 (Annexure CP-4) rejecting the claim of the petitioner with the following observations:

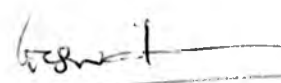
“2. Since compassionate appointment is offered to give immediate financial relief to the family which has been landed in an indigent condition due to loss of bread earner and when family can wait for some years without immediate relief in the form of employment assistance, the very basis of indigency criteria gets defeated. Therefore, the widow was given a last opportunity vide VFJ letter dated 16.12.95 stating that it is not possible to keep the vacancy pending for her son as it is against the spirit of the scheme and simultaneously advising her to accept the post. She was also intimated that in case she fails to deposit PVR forms duly filled by 31.12.95, it will be assumed that family is not in need of employment assistance and the case will be closed and in future she will not eligible for employment assistance.

3. Since she did not turn up despite above sincere advice, the case was finally closed. Thereafter, after your passing HSSC, your mother kept on requesting for compassionate appointment to you. Each time the request was duly considered by the competent authority but since compassionate appointment was already offered to your mother which was not accepted at appropriate time, the request being a belated one was regretted vide VFJ letter No.

25/P-NGO/DIH/793/LB dated 19/02/1999, letter No. 05/11/DIH/E dated 21/02/2002, 14/08/2002 and 16/08/2002."

3. In view of the above, we find that the order passed by this Tribunal has been fully complied with and no case for contempt is made out. Accordingly, this Contempt Petition is dismissed.

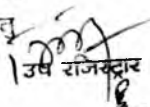

(A.K. Gaur)
Judicial Member


(Dr. G.C. Srivastava)
Vice Chairman

"SA"

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....
पटिलिपि आदेशित:-
(1) सचिव, जय न्यायालय प्रार एनो.रि.रक्षण, जबलपुर
(2) आवेदक श्री/श्रीमती/शु.....के काउंसल
(3) प्रत्यर्थी श्री/श्रीमती/शु.....के काउंसल
(4) कक्षपाल, रहेप्र.अ. जबलपुर न्यायाधीश
सूचना एवं आवश्यक कार्यवाही हेतु

Ashok Tiwari
DN 28 P


उपे सजिस्टर
12/1

ISW
8/12/17
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